

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

MACROSOLVE, INC.

Plaintiff,

v.

- (1) BRAZOS TECHNOLOGY CORPORATION;
- (2) ON THE SPOT SYSTEMS, INC.;
- (3) FORMSTACK, LLC; and
- (4) BLUE SHOE MOBILE SOLUTIONS, LLC;

Defendants.

CIVIL ACTION NO. 6:11-CV-101

ORIGINAL COMPLAINT FOR
PATENT INFRINGEMENT

JURY TRIAL DEMANDED

Plaintiff MacroSolve, Inc. ("MacroSolve") files this Original Complaint against the above-named defendants, alleging as follows:

PARTIES

1. MacroSolve is a corporation formed under the laws of the State of Oklahoma, with a principal place of business in Tulsa, Oklahoma.

2. Defendant Brazos Technology Corporation ("Brazos") is a corporation organized under the laws of the State of Texas, with a principal place of business in College Station, Texas. Brazos's agent for service is Michael McAleer, 703 Prestwick Court, College Station, TX 77845.

3. Defendant On The Spot Systems, Inc. ("Spot") is a corporation organized under the laws of the State of Delaware, with a principal place of business in Newton, Massachusetts. Spot may be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701, as its agent for service because Spot engages in business in Texas but has not designated or maintained a resident agent for service of process in Texas as required by statute.

4. Defendant Formstack, LLC (“Formstack”) is a limited liability company organized under the laws of Indiana, with a principal place of business in Indianapolis, Indiana. Formstack may be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701, as its agent for service because Formstack engages in business in Texas but has not designated or maintained a resident agent for service of process in Texas as required by statute.

5. Defendant Blue Shoe Mobile Solutions, LLC (“Blue Shoe”) is a limited liability company organized under the laws of Virginia, with a principal place of business in Richmond, Virginia. Blue Shoe may be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701, as its agent for service because Blue Shoe engages in business in Texas but has not designated or maintained a resident agent for service of process in Texas as required by statute.

JURISDICTION AND VENUE

6. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271, 281, and 284-285, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. §1331 and §1338(a).

7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b). Upon information and belief, each defendant has transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

8. Each defendant is subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to each defendant’s substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this district.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 7,822,816

9. On October 26, 2010, United States Patent No. 7,822,816 (“the 816 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention entitled “System and Method for Data Management.” A true and correct copy of the 816 patent is attached hereto as Exhibit A.

10. MacroSolve is the owner of the 816 patent with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the 816 patent against infringers, and to collect damages for all relevant times.

11. Brazos directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least its products and systems referred to as Brazos Technology Ticket Writer and/or eCitation and products using Brazos’ Mobile Application Environment Toolkit and/or its Rapid Extension Format,) that infringed one or more claims of the 816 patent. In addition, Brazos induced infringement and/or contributed to the infringement of one or more of the claims of the 816 patent by its customers.

12. Spot directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least its Survey on the Spot products and system) that infringed one or more claims of the 816 patent. In addition, Spot induced infringement and/or contributed to the infringement of one or more of the claims of the 816 patent by its customers.

13. Formstack directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least its Formstack products and system) that infringed one or more claims of the 816 patent. In addition, Formstack induced infringement and/or contributed to the infringement of one or more of the claims of the 816 patent by its customers.

14. Blue Shoe directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least its customized restaurant app products and system) that infringed one or more claims of the 816 patent. In addition, Blue Shoe induced infringement and/or contributed to the infringement of one or more of the claims of the 816 patent by its customers.

15. MacroSolve has been damaged as a result of the infringing conduct by defendants alleged above and, thus, such defendants are liable to MacroSolve in an amount that adequately compensates it for their infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

MacroSolve hereby requests a trial by jury on all issues so triable by right.

PRAAYER FOR RELIEF

MacroSolve requests that the Court find in its favor and against defendants, and that the Court grant MacroSolve the following relief:

a. Judgment that one or more claims of the 816 patent have been infringed, either literally and/or under the doctrine of equivalents, by one or more defendants and/or by others to whose infringement defendants have contributed and/or by others whose infringement has been induced by defendants;

b. A permanent injunction enjoining defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing infringement of, or contributing to infringement of the 816 patent;

c. Judgment that defendants account for and pay to MacroSolve all damages to and costs incurred by MacroSolve because of defendants' infringing activities and other conduct complained of herein;

d. That MacroSolve be granted pre-judgment and post-judgment interest on the damages caused by defendants' infringing activities and other conduct complained of herein;

e. That this Court declare this an exceptional case and award MacroSolve its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and

f. That MacroSolve be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: March 4, 2011

Respectfully submitted,

/s/ Matthew J. Antonelli
Matthew J. Antonelli (lead attorney)
Texas Bar No. 24068432
matt@ahtlawfirm.com
Zachariah S. Harrington
Texas Bar No. 24057886
zac@ahtlawfirm.com
Larry D. Thompson, Jr.
Texas Bar No. 24051428
larry@ahtlawfirm.com
ANTONELLI, HARRINGTON &
THOMPSON LLP
4200 Montrose Blvd., Ste. 430
Houston, TX 77006
(713) 581-3000

Attorneys for MacroSolve, Inc.